REMARKS

Claims 32-54 are the pending claims, with claims 32 and 41 being written in independent form.

I. Specification

By this Amendment, the specification has been amended in the paragraph beginning at page 18, line 15 and the paragraph beginning at page 19, line 8. These amendments do not introduce new matter.

II. Drawings

Applicants have attached a "Replacement Sheet" including amended FIG. 7 for the Examiner's approval. In amended FIG. 7, reference element 200 has been renumbered as reference element 210. This amendment does not introduce new matter.

III. Objections

The Examiner objects to the drawings because FIG. 6D includes reference element 228 which is not mentioned in the description. Applicants have amended the specification in the paragraph at page 19, line 8 by rewriting "a veinal leg 224" to "a veinal leg 228" to address the Examiner's objection.

The Examiner objects to the drawings because element 200 is used to designate both a square box 200 in FIG. 6D and a sheath dilator 200 in FIG. 7. Applicants have amended the paragraph beginning at page 18, line 15 of the specification such that each occurrence of "sheath dilator 200" is rewritten as "sheath dilator 210" to address the Examiner's objection. FIG. 7 has also been correspondingly amended.

AMENDMENTS TO THE DRAWINGS

The attached "Replacement Sheet" of drawings including amended FIG. 7 and replaces the original drawing sheet including FIG. 7.

Attachment: Replacement Sheet (FIG. 7)

IV. Claim Rejections - Double Patenting

Claims 32-54 are rejected on the grounds of nonstatutory obviousness-type double patenting over claims 1-15 of U.S. Patent No. 6,638,242, claims 1-8 of U.S. Patent No. 6,872,198, claims 1-34 of U.S. Patent No. 6,921,396, and claims 1-16 of U.S. Patent Publication No. 2004/0065333 (now U.S. Patent No. 7,381,204 having claims 1-15).

Applicants submit herewith terminal disclaimers in compliance with 37 CFR 1.321(c) over commonly owned US Patent Nos. 6,638,242, 6,872,198, 6,921,396, and 7,381,204.

V. Claim Rejections - Prior Art Grounds

The Examiner rejects claims 32-54 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,682,519 to Schon ("Schon"). Applicants respectfully traverse this rejection in view of the following remarks.

The Examiner relies upon Schon to teach each an every feature defined by claim 32. This rejection position is incorrect for at least the following reasons.

Independent claim 32 recites a method for surgically implanting a multi-lumen catheter having a "multi-lumen tube portion ... and a distal end including a single-lumen distal venous tube portion and a single-lumen distal arterial tube portion." Further, independent claim 32 recites "guiding the distal end of the catheter and at least a portion of the multi-lumen tube portion through the subcutaneous tunnel." At least these features, in combination with the other features recited in independent claim 32, are not taught or suggested by Schon.

The present application discloses a catheter 10 including multi-lumen portion 12 having two or more lumens 5 and 6. The two or more lumens 5 and 6 are formed within a single one-piece catheter tube. The distal ends of each lumen 5 and 6 of the multi-lumen tube portion 12 are connected to distal extension tubes 18 and 20, respectively, forming a Y-shaped distal end 30 of the catheter 10.

As shown in FIG. 6C (reproduced below), the Y-shaped distal end 36 of the catheter 10 is tunneled through a single subcutaneous tunnel 102. When catheter is

fully tunneled in the patient, the distal extension tubes 18 and 20 and at least a portion of the multi-lumen portion 12 extends through the first end 104 of the tunnel and out through the second end 106 of the tunnel. Consequently, at least a portion of multi-lumen portion 12 must be guided through the tunnel 102.

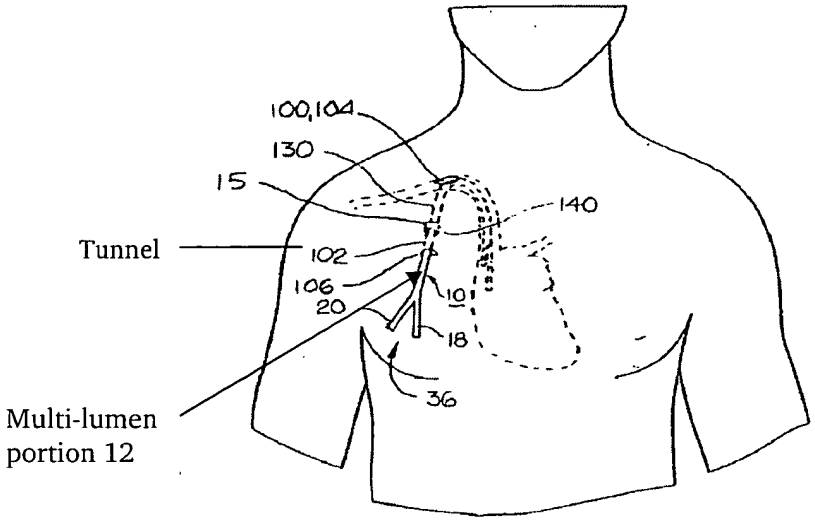

FIG. 6C

In contrast, Schon discloses a multi-lumen catheter assembly 10 made from two separate catheters 16 and 18. The catheters 16 and 18 are unattached along their entire length or a portion of the catheters 16 and 16 are bound together by a retaining sleeve 14. The two separate catheters 16 and 18 are tunneled through two separate subcutaneous tunnels 56 and 58 so that they extend out from two separate openings 60 and 64. As seen Fig. 5 of Schon reproduced below, the retaining sleeve 14 cannot enter either subcutaneous tunnels 56 and 58.

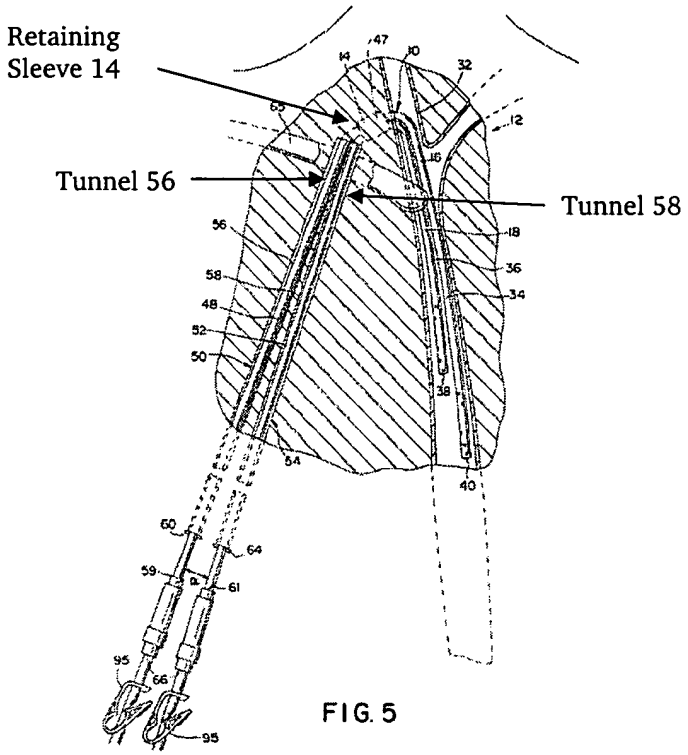

FIG. 5

Thus, Schon does not teach or suggest guiding "at least a portion of the multi-lumen tube portion through the subcutaneous tunnel."

Accordingly, Applicants respectfully submit that independent claim 32 is patentable over Schon, and kindly request that that the rejection be withdrawn as to independent claim 32.

For reasons similar to those noted above with respect to independent claim 32, Applicants submit that independent claim 41 are patentable over Schon, and kindly request that the rejection be withdrawn as to independent claim 41.

CONCLUSION

In view of the preceding amendments and remarks, reconsideration and withdrawal of the various objections and rejections set forth in the Office Action is respectfully requested.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a three (3) month extension of time for filing a reply to this Office Action.

A check for $1,670 is enclosed to cover the $1,110 fee for the three (3) month extension of time for a large entity and the $560 fee to cover the four (4) terminal disclaimers.

If any additional fee is required to maintain the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785.

Respectfully submitted,
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October 14, 2008

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